

Executive Summary – Enforcement Matter – Case No. 48067

BASF CORPORATION

RN100634922

Docket No. 2013-2226-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - IHW, UIC

Small Business:

No

Location(s) Where Violation(s) Occurred:

BASF Beaumont Agro Plant, 14385 West Port Arthur Road, Beaumont, Jefferson County

Type of Operation:

Chemical manufacturing facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 24, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$72,160

Amount Deferred for Expedited Settlement: \$14,432

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$28,864

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$28,864

Name of SEP: Texas Association of Resource Conservation and Development

Areas, Inc. (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 23, 2013

Date(s) of NOE(s): November 15, 2013

Executive Summary – Enforcement Matter – Case No. 48067
BASF CORPORATION
RN100634922
Docket No. 2013-2226-MLM-E

Violation Information

1. Failed to include a Texas Waste Code for each hazardous waste itemized on the manifest. Specifically, 41 shipments of waste were shipped without Texas Waste Code numbers [30 TEX. ADMIN. CODE § 335.10(a)(1) and 40 CODE OF FEDERAL REGULATIONS (“CFR”) § 262.20(a)].
2. Failed to provide a complete and accurate Annual Waste Summary (“AWS”) detailing the management of each hazardous and Class I waste generated on-site during the report calendar year. Specifically, the Respondent failed to provide a properly completed AWS report for calendar years 2011 and 2012 [30 TEX. ADMIN. CODE § 335.9(a)(2) and 335.9(a)(2)(B)].
3. Failed to use a tank made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the tank to contain the waste is not impaired. Specifically, the investigator documented that the Respondent was storing hazardous waste exhibiting the characteristics of corrosivity in tank nos. J-170, B-181 and pre-injection unit tank 414-A [30 TEX. ADMIN. CODE §§ 335.69(a)(1)(B) and 335.112(a)(9) and 40 CFR §§ 262.34(a)(1)(ii), 264.172 and 265.190].
4. Failed to conduct hazardous waste determinations and classifications. Specifically, waste determinations and classifications were not conducted for two process wastewater waste streams at their point of generation [30 TEX. ADMIN. CODE §§ 335.62, 335.503 and 335.504 and 40 CFR § 262.11].
5. Failed to maintain chemical or physical characteristic of the injected fluids within specified permit limits for the protection of the injection well, associated facilities, and injection zone and to ensure proper operation of the Facility. Specifically, pH of disposed waste in injection well nos. WDW-155 and WDW-201 ranged between 1.10 and 1.90, which was less than the permitted pH range of 2.0 and 12.5 [30 TEX. ADMIN. CODE §§ 335.2, and 331.63(h) and 40 CFR § 270.1 and Under Ground Injection Control Permit nos. WDW155 and WDW201 Provision nos. V.C. and VI.A].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On February 24, 2014, the Respondent developed and implemented procedures to include a Texas Waste Code for each hazardous waste itemized on the manifest.

Executive Summary – Enforcement Matter – Case No. 48067
BASF CORPORATION
RN100634922
Docket No. 2013-2226-MLM-E

Technical Requirements:

1. The Order will require the Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
2. The Order will also require the Respondent to:
 - a. Immediately, cease disposing of any additional unauthorized waste in the injection wells.
 - b. Within 30 days:
 - i. Submit a complete and accurate AWS for calendar years 2011 and 2012;
 - ii. Begin using tanks constructed of or lined with materials that are compatible with the waste to be stored in them; or submit documentation showing that the tanks B170 & J181 are identified as Elementary Neutralization Units on the Notice of Registration along with a flow diagram and that tank 414 is designated as a Waste Water Treatment Unit in the National Pollutant Discharge Elimination System permit along with a flow diagram;
 - iii. Conduct waste determinations and classifications on all waste streams generated at the Facility; and
 - iv. Develop and implement procedures to maintain physical and chemical characteristics of injected fluids within specified permit limits.
 - c. Within 45 days, submit written certification to demonstrate compliance with Ordering Provisions a. and b.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 48067
BASF CORPORATION
RN100634922
Docket No. 2013-2226-MLM-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Mike Pace, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5933; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

Respondent: Debbie Dalley, Site Manager, BASF CORPORATION, 14385 West Port Arthur Road, Beaumont, Texas 77705

Kurt W. Brock, President, BASF CORPORATION, 100 Campus Drive, Florham Park, New Jersey 07932

Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-2226-MLM-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	BASF CORPORATION
Penalty Amount:	Fifty-Seven Thousand Seven Hundred Twenty-Eight Dollars (\$57,728)
SEP Offset Amount:	Twenty-Eight Thousand Eight Hundred Sixty-Four Dollars (\$28,864)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Household Hazardous Waste Collection</i>
Location of SEP:	Jefferson County: Neches River Basin, Gulf Coast Aquifer

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Household Hazardous Waste ("HHW") Collection* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to coordinate with city and county government officials and private entities (collectively known as "Partner Entities") to conduct events for residents to bring in HHW such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers for proper disposal (the "Project"). Where possible, the Project may also offer electronics collection, disposal, and recycling. The Third-Party Administrator shall work with Partner Entities to determine exactly which materials will be accepted and how they will be disposed of or recycled.

The Third-Party Administrator shall ensure that individuals qualified to make determinations regarding receiving, handling, and temporarily storing HHW are present at each event. Third-Party Administrator shall use only licensed haulers and authorized disposal sites.

BASF CORPORATION
Agreed Order - Attachment A

The Third-Party Administrator shall ensure that, at least 45 days before each Collection Event, Form TCEQ-20459 Notification for a Household Hazardous Waste Collection Event, as may be amended, is submitted to TCEQ in accordance with Chapter 335, Texas Administrative Code. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being made solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a means of properly disposing of HHW which might otherwise be disposed of in regular landfills, storm drains, sewer systems, or other means detrimental to the environment. This SEP will provide assistance to help rid communities of the dangers and health threats associated with HHW, and will provide for proper and protective disposal or recycling of collected materials.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Attn.: Jerry Pearce, Executive Director
P.O. Box 2533
Victoria, Texas 77902

3. **Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. **Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. **Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	9-Dec-2013	Screening	19-Dec-2013	EPA Due	
	PCW	21-May-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	BASF CORPORATION		
Reg. Ent. Ref. No.	RN100634922		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	48067	No. of Violations	5
Docket No.	2013-2226-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media	Underground Injection Control	Enf. Coordinator	Mike Pace
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$59,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	23.0% Enhancement	Subtotals 2, 3, & 7	\$13,685
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Notes: Enhancement for two NOV's with dissimilar violations, one Agreed Order containing a denial of liability, and reduction for one environmental audit.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,025
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$772
Approx. Cost of Compliance \$11,400
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$72,160
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$72,160
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$72,160
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DEFERRAL	20.0% Reduction	Adjustment	-\$14,432
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$57,728
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Screening Date 19-Dec-2013

Docket No. 2013-2226-MLM-E

PCW

Respondent BASF CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 48067

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100634922

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Mike Pace

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 23%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with dissimilar violations, one Agreed Order containing a denial of liability, and reduction for one environmental audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 23%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 23%

Screening Date 19-Dec-2013

Docket No. 2013-2226-MLM-E

PCW

Respondent BASF CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 48067

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100634922

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Mike Pace

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.10(a)(1) and 40 Code of Federal Regulations ("CFR") § 262.20(a)

Violation Description

Failed to include a Texas Waste Code for each hazardous waste itemized on the manifest. Specifically, 41 shipments of waste were shipped without Texas Waste Code numbers.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 41

41 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$10,250

Forty-One single events are recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$1,025

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary
		X
N/A		(mark with x)

Notes

The Respondent came into compliance on February 24, 2014, after the Notice of Enforcement ("NOE") dated November 15, 2103.

Violation Subtotal \$9,225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$11,583

This violation Final Assessed Penalty (adjusted for limits) \$11,583

Economic Benefit Worksheet

Respondent BASF CORPORATION
Case ID No. 48067
Reg. Ent. Reference No. RN100634922
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	23-Sep-2013	24-Feb-2014	0.42	\$11	n/a	\$11
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and implement procedures to include a Texas Waste Code for each hazardous waste itemized on the manifest. The date required is the investigation date, and the final date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$11

Screening Date 19-Dec-2013
Respondent BASF CORPORATION
Case ID No. 48067
Reg. Ent. Reference No. RN100634922
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Mike Pace
Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 335.9(a)(2) and 335.9(a)(2)(B)

Docket No. 2013-2226-MLM-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Violation Description

Failed to provide a complete and accurate Annual Waste Summary ("AWS") detailing the management of each hazardous and Class I waste generated on-site during the report calendar year. Specifically, the Respondent failed to provide a properly completed AWS report for calendar years 2011 and 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Two single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$145

Violation Final Penalty Total \$615

This violation Final Assessed Penalty (adjusted for limits) \$615

Economic Benefit Worksheet

Respondent BASF CORPORATION
Case ID No. 48067
Reg. Ent. Reference No. RN100634922
Media Industrial and Hazardous Waste
Violation No. 2

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	25-Jan-2012	21-Dec-2014	2.91	\$145	n/a	\$145

Notes for DELAYED costs

Estimated cost to submit a complete and accurate AWS for calendar years 2011 and 2012. The date required is the date the AWS for 2011 was due, and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$145

Screening Date 19-Dec-2013

Docket No. 2013-2226-MLM-E

PCW

Respondent BASF CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 48067

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100634922

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Mike Pace

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 335.69(a)(1)(B) and 335.112(a)(9) and 40 CFR §§ 262.34(a)(1)(ii), 264.172 and 265.190

Violation Description

Failed to use a tank made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the tank to contain the waste is not impaired. Specifically, the investigator documented that the Respondent was storing hazardous waste exhibiting the characteristics of corrosivity in tank nos. J-170, B-181 and pre-injection unit tank 414-A.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 3

87 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Three monthly events are recommended from the September 23, 2013 investigation to the December 19, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$31

Violation Final Penalty Total \$27,675

This violation Final Assessed Penalty (adjusted for limits) \$27,675

Economic Benefit Worksheet

Respondent BASF CORPORATION
Case ID No. 48067
Reg. Ent. Reference No. RN100634922
Media Industrial and Hazardous Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	23-Sep-2013	21-Dec-2014	1.24	\$31	n/a	\$31

Notes for DELAYED costs

Estimated cost to use tanks constructed of or lined with materials that are compatible with the waste to be stored in them. The date required is the investigation date, and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$31

Screening Date 19-Dec-2013
Respondent BASF CORPORATION
Case ID No. 48067
Reg. Ent. Reference No. RN100634922
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Mike Pace

Docket No. 2013-2226-MLM-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 335.62, 335.503 and 335.504 and 40 CFR § 262.11

Violation Description

Failed to conduct hazardous waste determinations and classifications. Specifically, waste determinations and classifications were not conducted for two process wastewater waste streams at their point of generation.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 3

87 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$22,500

Three monthly events are recommended from the September 23, 2013 investigation to the December 19, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$22,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$522

Violation Final Penalty Total \$27,675

This violation Final Assessed Penalty (adjusted for limits) \$27,675

Economic Benefit Worksheet

Respondent BASF CORPORATION
Case ID No. 48067
Reg. Ent. Reference No. RN100634922
Media Industrial and Hazardous Waste
Violation No. 4

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
 Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$8,400	23-Sep-2013	21-Dec-2014	1.24	\$522	n/a	\$522
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct waste determinations and classifications on two waste streams. The date required is the investigation date, and the final date is the estimated compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$8,400

TOTAL

\$522

Screening Date 19-Dec-2013

Docket No. 2013-2226-MLM-E

PCW

Respondent BASF CORPORATION

Policy Revision 3 (September 2011)

Case ID No. 48067

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100634922

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Mike Pace

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 335.2 and 331.63(h) and 40 CFR § 270.1 and Under Ground Injection Control ("UIC") Permit Nos. WDW155 and WDW201 Provision nos. V.C. and VI.A.

Violation Description

Failed to maintain chemical or physical characteristic of the injected fluids within specified permit limits for the protection of the injection well, associated facilities, and injection zone and to ensure proper operation of the Facility. Specifically, pH of disposed waste in injection well nos. WDW-155 and WDW-201 ranged between 1.10 and 1.90, which was less than the permitted pH range of 2.0 and 12.5.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

87 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended from the September 23, 2013 investigation to the December 19, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$62

Violation Final Penalty Total \$4,613

This violation Final Assessed Penalty (adjusted for limits) \$4,613

Economic Benefit Worksheet

Respondent BASF CORPORATION
Case ID No. 48067
Reg. Ent. Reference No. RN100634922
Media Industrial and Hazardous Waste
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	23-Sep-2013	21-Dec-2014	1.24	\$62	n/a	\$62

Notes for DELAYED costs

Estimated cost to develop and implement procedures to maintain physical and chemical characteristics of the injected fluids within specified permit limits. The date required is the investigation date, and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$62



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600124895, RN100634922, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600124895, BASF CORPORATION **Classification:** SATISFACTORY **Rating:** 5.32

Regulated Entity: RN100634922, BASF Beaumont Agro Plant **Classification:** SATISFACTORY **Rating:** 0.80

Complexity Points: 21 **Repeat Violator:** NO

CH Group: 05 - Chemical Manufacturing

Location: 14385 W PORT ARTHUR RD BEAUMONT, TX 77705-9290, JEFFERSON COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

WASTEWATER PERMIT WQ0001169000

UNDERGROUND INJECTION CONTROL PERMIT WDW125

UNDERGROUND INJECTION CONTROL PERMIT WDW201

UNDERGROUND INJECTION CONTROL PERMIT WDW155

UNDERGROUND INJECTION CONTROL PERMIT WDW433

AIR NEW SOURCE PERMITS REGISTRATION 12570

AIR NEW SOURCE PERMITS PERMIT 3715A

AIR NEW SOURCE PERMITS PERMIT 20057

AIR NEW SOURCE PERMITS REGISTRATION 92971

AIR NEW SOURCE PERMITS REGISTRATION 92159

AIR NEW SOURCE PERMITS REGISTRATION 100052

AIR NEW SOURCE PERMITS REGISTRATION 113174

AIR NEW SOURCE PERMITS REGISTRATION 111225

AIR NEW SOURCE PERMITS REGISTRATION 109595

AIR NEW SOURCE PERMITS REGISTRATION 108888

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1230103

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD067261412

INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50219

STORMWATER PERMIT TXR15ZW70

WASTEWATER EPA ID TX0003671

UNDERGROUND INJECTION CONTROL PERMIT WDW302

UNDERGROUND INJECTION CONTROL PERMIT WDW301

UNDERGROUND INJECTION CONTROL PERMIT WDW434

UNDERGROUND INJECTION CONTROL PERMIT PIU30053

AIR NEW SOURCE PERMITS PERMIT 978B

AIR NEW SOURCE PERMITS REGISTRATION 12570A

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0113D

AIR NEW SOURCE PERMITS AFS NUM 4824500008

AIR NEW SOURCE PERMITS REGISTRATION 95536

AIR NEW SOURCE PERMITS REGISTRATION 101786

AIR NEW SOURCE PERMITS REGISTRATION 111253

AIR NEW SOURCE PERMITS REGISTRATION 111249

AIR NEW SOURCE PERMITS REGISTRATION 111223

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION (SWR) 30053

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0113D

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION (SWR) 30053

POLLUTION PREVENTION PLANNING ID NUMBER P00610

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: May 21, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 21, 2009 to May 21, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Mike Pace

Phone: (817) 588-5933

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 09/12/2013 ADMINORDER 2013-0400-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov:3715A, Special Condition 1 PERMIT
Description: Failure to maintain emission rates below the allowable emission limits. EIC B18 MOD(2)(D)
See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	June 08, 2009	(768271)
Item 2	July 07, 2009	(759395)
Item 3	July 20, 2009	(804371)
Item 4	August 04, 2009	(804372)
Item 5	August 31, 2009	(767946)
Item 6	September 03, 2009	(804373)
Item 7	October 05, 2009	(804374)
Item 8	November 13, 2009	(804375)
Item 9	December 07, 2009	(804376)
Item 10	December 11, 2009	(784552)
Item 11	January 06, 2010	(804377)
Item 12	February 08, 2010	(804370)
Item 13	March 10, 2010	(830772)
Item 14	March 12, 2010	(793318)
Item 15	April 08, 2010	(830773)
Item 16	April 12, 2010	(793970)
Item 17	May 03, 2010	(830774)
Item 18	June 04, 2010	(846232)
Item 19	July 06, 2010	(860828)
Item 20	August 06, 2010	(866794)
Item 21	August 30, 2010	(849060)
Item 22	September 20, 2010	(873866)
Item 23	October 20, 2010	(881468)
Item 24	November 17, 2010	(887997)
Item 25	November 30, 2010	(878385)
Item 26	January 11, 2011	(884676)
Item 27	January 18, 2011	(885214)
Item 28	January 20, 2011	(902270)
Item 29	January 25, 2011	(886767)
Item 30	February 23, 2011	(909045)
Item 31	February 28, 2011	(895264)
Item 32	April 20, 2011	(924746)
Item 33	May 19, 2011	(937988)
Item 34	June 20, 2011	(945312)
Item 35	June 29, 2011	(933340)
Item 36	July 20, 2011	(952587)
Item 37	August 19, 2011	(944927)
Item 38	September 19, 2011	(965298)
Item 39	October 05, 2011	(965299)
Item 40	October 13, 2011	(971341)
Item 41	November 21, 2011	(968868)
Item 42	December 19, 2011	(984266)
Item 43	January 26, 2012	(990567)
Item 44	February 28, 2012	(983654)
Item 45	April 02, 2012	(1003452)

Item 46	April 13, 2012	(1003451)
Item 47	April 27, 2012	(1010016)
Item 48	May 21, 2012	(1006849)
Item 49	May 24, 2012	(1016411)
Item 50	June 24, 2012	(1024132)
Item 51	July 20, 2012	(1031527)
Item 52	August 24, 2012	(1037902)
Item 53	September 24, 2012	(1046629)
Item 54	October 18, 2012	(1037422)
Item 55	October 31, 2012	(1042225)
Item 56	November 07, 2012	(1042412)
Item 57	November 21, 2012	(1060752)
Item 58	December 20, 2012	(1051724)
Item 59	December 21, 2012	(1060754)
Item 60	February 04, 2013	(1078891)
Item 61	February 20, 2013	(1078890)
Item 62	February 22, 2013	(1059049)
Item 63	March 19, 2013	(1089269)
Item 64	April 24, 2013	(1095663)
Item 65	May 30, 2013	(1106588)
Item 66	June 28, 2013	(1110264)
Item 67	August 25, 2013	(1124903)
Item 68	September 16, 2013	(1105372)
Item 69	September 18, 2013	(1129505)
Item 70	October 21, 2013	(1124333)
Item 71	October 24, 2013	(1135234)
Item 72	November 20, 2013	(1140634)
Item 73	December 17, 2013	(1147091)
Item 74	January 13, 2014	(1153161)
Item 75	January 29, 2014	(1144454)
Item 76	February 25, 2014	(1146014)
Item 77	March 17, 2014	(1151583)
Item 78	March 25, 2014	(1160497)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 06/30/2013 (1117147) CN600124895
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 2 Date: 02/28/2014 (1167142) CN600124895
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

Notice of Intent Date: 08/07/2012 (1035422)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BASF CORPORATION
RN100634922**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-2226-MLM-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BASF CORPORATION ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 27. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a chemical manufacturing facility at 14385 West Port Arthur Road in Beaumont, Jefferson County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361. The Respondent is utilizing injection wells as that term is defined in TEX. WATER CODE § 27.002(11).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 20, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seventy-Two Thousand One Hundred Sixty Dollars (\$72,160) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Eight Thousand Eight

Hundred Sixty-Four Dollars (\$28,864) of the administrative penalty and Fourteen Thousand Four Hundred Thirty-Two Dollars (\$14,432) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Twenty-Eight Thousand Eight Hundred Sixty-Four Dollars (\$28,864) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that on February 24, 2014, the Respondent developed and implemented procedures to include a Texas Waste Code for each hazardous waste itemized on the manifest.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to include a Texas Waste Code for each hazardous waste itemized on the manifest, in violation of 30 TEX. ADMIN. CODE § 335.10(a)(1) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 262.20(a), as documented during an investigation conducted on September 23, 2013. Specifically, 41 shipments of waste were shipped without Texas Waste Code numbers.
2. Failed to provide a complete and accurate Annual Waste Summary ("AWS") detailing the management of each hazardous and Class I waste generated on-site during the report calendar year, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(2) and 335.9(a)(2)(B), as documented during an investigation conducted on September 23, 2013. Specifically, the Respondent failed to provide a properly completed AWS report for calendar years 2011 and 2012.

3. Failed to use a tank made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the tank to contain the waste is not impaired, in violation of 30 TEX. ADMIN. CODE §§ 335.69(a)(1)(B) and 335.112(a)(9) and 40 CFR §§ 262.34(a)(1)(ii), 264.172 and 265.190, as documented during an investigation conducted on September 23, 2013. Specifically, the investigator documented that the Respondent was storing hazardous waste exhibiting the characteristics of corrosivity in tank nos. J-170, B-181 and pre-injection unit tank 414-A.
4. Failed to conduct hazardous waste determinations and classifications, in violation of 30 TEX. ADMIN. CODE §§ 335.62, 335.503 and 335.504 and 40 CFR § 262.11, as documented during an investigation conducted on September 23, 2013. Specifically, waste determinations and classifications were not conducted for two process wastewater waste streams at their point of generation.
5. Failed to maintain chemical or physical characteristic of the injected fluids within specified permit limits for the protection of the injection well, associated facilities, and injection zone and to ensure proper operation of the Facility, in violation of 30 TEX. ADMIN. CODE §§ 335.2 and 331.63(h) and 40 CFR § 270.1 and Under Ground Injection Control ("UIC") Permit nos. WDW155 and WDW201 Provision nos. V.C. and VI.A., as documented during an investigation conducted on September 23, 2013. Specifically, pH of disposed waste in injection well nos. WDW-155 and WDW-201 ranged between 1.10 and 1.90, which was less than the permitted pH range of 2.0 and 12.5.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BASF CORPORATION, Docket No. 2013-2226-MLM-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty-Eight Thousand Eight Hundred Sixty-Four Dollars (\$28,864) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, cease disposing of any additional unauthorized waste in the injection wells.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Submit a complete and accurate AWS for calendar years 2011 and 2012, in accordance with 30 TEX. ADMIN. CODE § 335.9(a)(2) and 335.9(a)(2)(B).
 - ii. Begin using tanks constructed of or lined with materials that are compatible with the waste to be stored in them, in accordance with 30 TEX. ADMIN. CODE §§ 335.69(a)(1)(B) and 335.112(a)(9) and 40 CFR §§ 262.34(a)(1)(ii), 264.172, and 265.190; or

Submit documentation showing that the tanks B170 & J181 are identified as Elementary Neutralization Units ("ENUs") on the Notice of Registration along with a flow diagram (showing the ENUs) and that tank 414 is designated as a Waste Water Treatment Unit in the National Pollutant Discharge Elimination System permit along with a flow diagram.
 - iii. Conduct waste determinations and classifications on all waste streams generated at the Facility, in accordance with 30 TEX. ADMIN. CODE §§ 335.62, 335.503 and 335.504 and 40 CFR § 262.11; and
 - iv. Develop and implement procedures to maintain physical and chemical characteristics of injected fluids within specified permit limits, in accordance with 30 TEX. ADMIN. CODE §§ 335.2 and 331.63(h) and 40 CFR § 270.1 and UIC Permit nos. WDW155 and WDW201 Provision nos. V.C. and VI.A.
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and

complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or

otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Perm. Manna
For the Executive Director

4/7/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

D. Dalley
Signature

9-25-14
Date

Debbie Dalley
Name (Printed or typed)
Authorized Representative of
BASF CORPORATION

Site Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2013-2226-MLM-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	BASF CORPORATION
Penalty Amount:	Fifty-Seven Thousand Seven Hundred Twenty-Eight Dollars (\$57,728)
SEP Offset Amount:	Twenty-Eight Thousand Eight Hundred Sixty-Four Dollars (\$28,864)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas Association of Resource Conservation and Development Areas, Inc.
Project Name:	<i>Household Hazardous Waste Collection</i>
Location of SEP:	Jefferson County: Neches River Basin, Gulf Coast Aquifer

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. **Project Description**

a. **Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")** for the *Household Hazardous Waste ("HHW") Collection* project. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to coordinate with city and county government officials and private entities (collectively known as "Partner Entities") to conduct events for residents to bring in HHW such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers for proper disposal (the "Project"). Where possible, the Project may also offer electronics collection, disposal, and recycling. The Third-Party Administrator shall work with Partner Entities to determine exactly which materials will be accepted and how they will be disposed of or recycled.

The Third-Party Administrator shall ensure that individuals qualified to make determinations regarding receiving, handling, and temporarily storing HHW are present at each event. Third-Party Administrator shall use only licensed haulers and authorized disposal sites.

BASF CORPORATION
Agreed Order - Attachment A

The Third-Party Administrator shall ensure that, at least 45 days before each Collection Event, Form TCEQ-20459 Notification for a Household Hazardous Waste Collection Event, as may be amended, is submitted to TCEQ in accordance with Chapter 335, Texas Administrative Code. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used for the direct cost of the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being made solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

This SEP will provide a means of properly disposing of HHW which might otherwise be disposed of in regular landfills, storm drains, sewer systems, or other means detrimental to the environment. This SEP will provide assistance to help rid communities of the dangers and health threats associated with HHW, and will provide for proper and protective disposal or recycling of collected materials.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Association of RC&D SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Association of RC&D Areas, Inc.
Attn.: Jerry Pearce, Executive Director
P.O. Box 2533
Victoria, Texas 77902

BASF CORPORATION
Agreed Order - Attachment A

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount, as described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the Project, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality;" and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ.** Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.